

BOARD FOR BARBERS & COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers & Cosmetology met on Monday, February 6, 2006, at the Offices of the Department of Professional and Occupational Regulation, 3600 West Board Street, 4th Floor, Richmond, Virginia. The following members were present:

Jessie H. Anders
Hien Huu Do
Janet E. Girardi
Gloria L. Howard-Seldon
Algie T. Howell, III
Lonnie E. Quesenberry
Virginia L. Sanders
L. Saphonia Gee – in accordance with § 54.1-702 B of the Code of Virginia the esthetician member shall not vote on any matters before the Board except matters related estheticians until July 1, 2007.
Laura A. Todd – in accordance with § 54.1-702 B of the Code of Virginia the esthetician member shall not vote on any matters before the Board except matters related to estheticians until July 1, 2007.

DPOR staff present for all or part of the meeting included:

Louise Fontaine Ware, Director
Brian Hannigan, Chief Deputy Director
Karen W. O'Neal, Deputy Director, LRD
Nick A. Christner, Deputy Director for Compliance & Investigations
Bonnie Rhea Adams, Director of Complaint Analysis & Resolutions
William H. Ferguson, II, Executive Director
Zelda W. Dugger, Board Administrator
Earlyne B. Perkins, Legal Analyst
Rashaun K. Minor, Administrative Assistant

A representative from the Office of the Attorney General was not present for meeting.

Mr. Quesenberry, Chair, determined a quorum was present and called **Call to Order** the meeting to order at 9:07 a.m.

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Anders **Approval of Agenda** the Board voted to approve the agenda as written. The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously.

Mr. Quesenberry asked if there was any public comment.

Public Comment
Period

Joseph C. Woodell, of Portsmouth, Virginia addressed the Board regarding the tattooing regulations. Mr. Woodell stated he began tattooing in 1968 and has help the state of Texas write their rules for tattooing. Mr. Woodell stated he would appreciate if the Board would review his paper work and take it under consideration.

Lynn Smith, of Charlottesville, Virginia a hair dresser of 25 years addressed the Board regarding the tattooing regulations. Ms. Smith stated she would like to see a separate license for the permanent make-up profession. Ms. Smith stated that with the current proposed tattooing regulations she can not provide services to her clientele and has to refer her clients to Maryland for permanent make-up services.

Mare Scott, of Lexington, Virginia an esthetician addressed the Board regarding the esthetician profession. Ms. Scott stated she has practiced for the last five years as an esthetician and is licensed as an esthetician in the District of Columbia, North Carolina, and West Virginia. Ms. Scott stated she had concerns regarding the grandfathering clause for estheticians and the two tier licensure. Ms. Scott stated that her concern was will those persons who have been in business be able to continue business without getting extra training under the grandfather clause and to take under consideration having existing schools include the master level esthetician requirements.

Randy Holder, of Virginia Beach, Virginia a tattooer addressed the Board regarding the tattooing regulations. Mr. Holder stated that tattooers providing training need to be certified to train through testing. Mr. Holder stated there needs to be a certification of Apprentice Sponsors instead of the years in practice to ensure competency to teach apprentices. Mr. Holder also stated that tattooing schools should be an option to gain training in the field.

Robin Goodpasture, Roanoke, Virginia a permanent make-up tattooer addressed the Board regarding the permanent make-up profession. Ms. Goodpasture stated that she has been practicing permanent make-up for the last ten years and was able to obtain her licensure through the grandfathering clause, but is before the Board today for those individuals who are qualified professionals but failed short of the tattooing regulations requirements. Ms. Goodpasture asked the Board to take under consideration of a two-tier licensure in the tattooing regulations, for permanent make-up tattooer and traditional body-art tattooer. Ms. Goodpasture stated that those in the permanent make-up

field re-create what is already there and do not practice what is currently in the proposed tattooing regulations. The tools, coloring, skincare, and training are different from traditional tattooing and deserve a separate licensure. Ms. Goodpasture also state it is also in the best interest and welfare of the public that the distinction be made between the two professions in tattooing.

Upon a motion by Ms. Howard-Seldon and seconded by Ms. Sanders, the Board voted to approve the minutes of the December 5, 2005 Board for Barbers and Cosmetology board meeting, January 12, 2006 Informal Fact-Finding Conference, January 19, 2006 Informal Fact-Finding Conference, and the January 26, 2006 Informal Fact-Finding Conference. The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously.

Approval of Minutes for December 5, 2005 Board Meeting, January 12, 2006 IFF, January 19, 2006 IFF, and January 26, 2006 IFF

In the matter of File Number 2006-02298, Board v. A Great Escape Spalon, Inc., the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Julie Cales, co-owner, appeared at the board meeting and addressed the Board.

File Number 2006-02298 A Great Escape Spalon, Inc.

Upon a motion by Ms. Howard-Seldon and seconded by Ms. Girardi, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve A Great Escape Spalon, Inc. cosmetology salon license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously.

Ms. Howard-Seldon left the meeting.

Ms. Howard-Seldon left the meeting.

In the matter of File Number 2006-01561, Board v. Averhart, David, the Board reviewed the record, which consisted of the pre-Informal Fact-Finding Conference Consent Order. Mr. Averhart did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2006-01561 Averhart, David Pre-Informal Fact-Finding Conference Consent Order

By signing the Consent Order, David Averhart acknowledged an understanding of the charges and admitted to the violation(s) of the Count as outlined in the Report of Findings. David Averhart consented to the following term(s):

Count 1:	18 VAC 41-20-280.A.4	\$400.00
In addition	David Averhart agreed to	\$150.00
reimburse	Board cost in the amount of:	
TOTAL:		\$550.00

Upon a motion by Mr. Howell and seconded by Mr. Anders, the Board voted to accept the Consent Order.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously.

As Board member participating in the negotiation of the consent order, Ms. Howard-Seldon was not present during the discussion or vote.

Ms. Howard-Seldon returned to the meeting.

**Ms. Howard-Seldon
returned.**

In the matter of **File Number 2006-02451, Board v. Payne, Jr. Robert Lorenzo**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Robert Payne, Jr. appeared at the board meeting and addressed the Board.

**File Number 2006-
02451 Payne, Jr.
Robert Lorenzo**

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Howell, the Board voted to accept the recommendation in the Summary of the Information Fact-Finding Conference and approve Robert Lorenzo Payne, Jr.'s tattooer license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-02653, Board v. Ackelson, Derick**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Derick Ackelson did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number 2006-
02653 Ackelson,
Derick**

Upon a motion by Mr. Howell and seconded by Ms. Howard-Seldon, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Derick Ackelson's tattooer license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-02654, Board v. Totally Naked (Martinsville)**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Totally Naked (Martinsville) did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number
2006-02654 Totally
Naked
(Martinsville)

Upon a motion by Mr. Howell and seconded by Ms. Howard-Seldon, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Totally Naked's (Martinsville) tattooer parlor license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-02656, Board v. Totally Naked (Rocky Mount)**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Totally Naked (Rocky Mount) did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2006-
02656 Totally Naked
(Rocky Mount)

Upon a motion by Mr. Howell and seconded by Ms. Howard-Seldon, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Totally Naked's (Rocky Mount) tattooer parlor license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-02658, Board v. Gleason, Jr., Robert**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Robert Gleason, Jr. did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2006-
02658 Gleason, Jr.,
Robert

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Howell, the Board voted to accept the recommendation in the Summary of the

Informal Fact-Finding Conference and approve Robert Gleason, Jr.'s tattooer license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously

In the matter of **File Number 2006-02659, Board v. Earth & Sky Tattoo Company**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Earth & Sky Tattoo Company did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2006-02659 Earth & Sky Tattoo Company

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Howell, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Earth & Sky Tattoo Company tattooer parlor license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-02664, Board v. On Top Hair & Nail Salon**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Kevin McClain, owner, appeared at the board meeting and addressed the Board.

File Number 2006-02664 On Top Hair & Nail Salon

Upon a motion by Ms. Girardi and seconded by Mr. Do, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve On Top Hair & Nail Salon cosmetology license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously

In the matter of **File Number 2006-03001, Board v. Jones, Ty'asha**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Ty'asha Jones and Mr. Jamiyl Al-Malik appeared at the board meeting and addressed the Board. Ms. Gayle Novak, Cosmetology Instructor, Department of Correctional Education, Fluvanna County appeared at the board meeting and assisted Ms. Jones

File Number 2006-03001 Jones, Ty'asha

in her communication to the Board.

Upon a motion by Ms. Howard-Seldon and seconded by Ms. Sanders, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Ty'esha Jones' cosmetologist license application, with the conditions that Ms. Jones' makes monthly notifications to the board office of Ms. Jones' restitution payments and restitution be paid in full by her renewal date.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously

At 10:06 a.m. the Board recessed and reconvened at 10:22 a.m.

Break

The Board took up the matter of final tattooing regulations. The Board reviewed the regulations and took under consideration language based on public comment.

**Tattooing
Regulations**

Upon a motion by Ms. Sanders and seconded by Mr. Anders, the Board adopted final tattooing regulations and gave Board staff the authorization to revise as deemed necessary by the Office of the Attorney General or Executive Branch review.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously.

The Board reviewed the recommended responses to the public comment received for the tattooing regulations. Upon a motion by Ms. Howard-Seldon and seconded by Mr. Howell the Board approved the responses.

**Public Comment
Matrix-Tattooing
Regulations**

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously.

The Board was informed that the Esthetics Regulations Workshop will convene Thursday, February 16, 2006 at the Department of Professional and Occupational Regulation at 10:00 am.

**Esthetics
Regulations
Workshop**

This workshop is open to the public.

The Board was informed that the Proposed Body-Piercing Regulations were published in the *Virginia Register*, Volume 22, Issue 9, Monday,

**Body-Piercing
Proposed**

January 9, 2006. The Public Comment period is from January 9, 2006 through March 10, 2006.

Regulations Public Hearing


The Board was also informed that the public hearing to receive public comment on the Proposed Body-Piercing Regulations will be held Tuesday, March 7, 2006, 10:00 a.m., at the Department of Professional and Occupational Regulation.

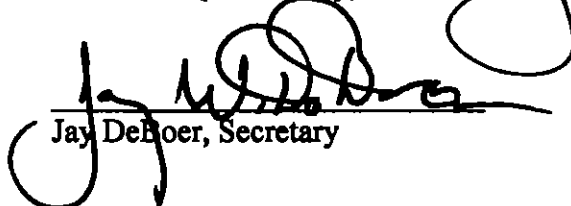
The Board's next meeting dates are Monday, May 1, 2006, Monday, August 7, 2006, and Monday, November 6, 2006.

Other Board Business

There being no other business to be brought before the Board, the meeting adjourned at 11:31 am.

Adjourn



Lonnie E. Quesenberry, Chair

Jay DeBoer, Secretary

COPY TESTE:

Custodian of the Records